

REMARKS/ARGUMENTS

The Official Action dated 25 July 2005 has been carefully considered, along with cited references, applicable sections of the Patent Act, Patent Rules, the Manual of Patent Examining Procedure and relevant decisional law.

The disclosure is objected to because of the following informalities: subject heading are improperly underlined. In response, the underline of the subject headings have been deleted.

Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what the applicant means by an “attaching line” and does not disclose a clear definition of this phrase within the specification and therefore renders the claim indefinite.

In response, the phrase “attaching line” has been amended to --securing line-- as disclosed in lines 18-19 of page 3 of the disclosure.

Claims 1-3 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Schmidt et al. (6,209,139).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al.

Applicant respectfully submits that the present invention is significantly different from that of the cited arts as can be seen from their respective structures. Applicant's invention as specified in the

amended claims 1, 3-4 and 6 is patentably distinguishable over these references when taken either singularly or in combination for the following reasons:

The Examiner cites Schmidt as an example of a cap including a crown with an outer peripheral surface, a first flap with an edge portion attached to the top portion of the cap allowing the flap to be exposed outwardly. A second flap is selectively engaged onto the outer surface of the cap, is foldable, and attached to the bottom surface of the cap. The second flap is partially superposed with the attaching line of the first flap. A third flap is attached to the bottom outer peripheral surface of the cap and is foldable so as to be exposed outwardly.

However, actually, in Schmidt et al., as shown in FIGS. 10-13, only two flaps are attached or provided on the cap. In addition, the flaps may not be folded and engaged onto the other. Schmidt et al. fail to disclose or to provide three flaps that are foldably attached onto the crown, and foldable and engageable with each other.

By contrast, in Applicant's invention, as amended in the amended claims 1, 3-4 and 6, a hat is disclosed and comprises a first flap (20), a second flap (30) and a third flap (40) each including an edge portion (22, 32, 42) attached to the outer peripheral surface (12) of the crown (11) with a securing line (21, 31, 41), and foldable relative to the crown (11) to have either of the inner peripheral surface (23, 33, 43) or the outer peripheral surface (24, 34, 44) of the flap (20, 30, 40) to be selectively engaged onto the outer peripheral surface (12) of the crown (11) or to be exposed outwardly.

The cited arts fail to teach a hat comprising three flaps (20, 30, 40) foldably secured onto a crown (11), and foldable relative to the crown (11), to allow either of the inner or the outer peripheral surfaces (23, 33, 43, 24, 34, 44) of the flap (20, 30, 40) to be selectively exposed outwardly, and to allow various patterns or marks on the inner or the outer peripheral surfaces (23, 33, 43, 24, 34, 44) of the flap (20, 30, 40) to be selectively exposed. The applicant's invention is different from that of the cited arts and has improved over the cited arts.

In view of the foregoing amendments and remarks, applicant respectfully submits that the present invention is patentably distinguishable over the cited arts and that the application is now in condition for allowance, and such action is earnestly solicited.

Courtesy and cooperation of Examiner HANEY are appreciated.

respectfully submitted,

By: 

CHARLES E. BAXLEY

Attorney of Record

USPTO Reg. 20,149

90 John Street – 3rd Floor

New York, N.Y. 10038

TEL: (212) 791-7200

FAX: (212) 791-7276

Date: New York, N.Y.